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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,375	07/05/2001	Yevgeniy Eugene Shteyn	US018098	4295

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EXAMINER

LINDINGER, MICHAEL L

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,375

Applicant(s)

SHTEYN, YEVGENIY EUGENE

Examiner

Michael L. Lindinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Applicant has amended Claim 3 to remove the word "type", therefore the Examiner withdraws his rejection regarding this matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hepp U.S. Patent No. 6,449,219 B1. Hepp teaches an electronic device with a timepiece having a dial face 3 that comprises a display monitor 1 for providing a graphical representation of a scheduled activity 15 relative to a time of day display (4 or 14) on the monitor, wherein the graphical representation is programmable, wherein the device also comprises a communication component or communicating with another electronic device, as well as teaches graphical (animation) representation of the seasons are located on the dial face (Col. 4, lines 55+; Col. 5, lines 1+; FIG. 1). Hepp does not explicitly teach a time of display segment located on the dial face. It would

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have been obvious to a person skilled in the art at the time of the invention to adapt the dial face of the Hepp reference to change the location of the graphical representation of a scheduled activity with a time of day segment from the outside of the dial face to the dial face itself since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Hepp teaches graphical representation of a scheduled activity with a time of day representation with the horizon 5 orientations and the sun 6, stars 7, and moon 8 displays, as well as the character 15 displays, as well as animated representations of seasons 10, 11, 12, or 13. Changing one animated representation to another animated representation is an obvious step in the art.

2. Claims 2-4, 6-7, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepp U.S. Patent No. 6,449,219 B1 in view of Nixon U.S. Patent No. 6,033,316. Regarding Claims 2-4 and 6-7, Hepp teaches an electronic device with a timepiece having a dial face 3 that comprises a display monitor 1 for providing a graphical representation of a scheduled activity 15 relative to a time of day display (4 or 14) on the monitor (Col. 4, lines 55+; Col. 5, lines 1+; FIG. 1). Hepp does not teach a graphical representation comprising a segment whose length is associated with the duration of the activity, the segment having a graphical attribute associated with the scheduled activity. Nixon teaches an electronic device comprising a display monitor for providing a graphical representation of a scheduled activity, wherein the representation comprises a segment 14 whose length is associated with the duration of the activity, wherein the segment has a graphical attribute associated with a type of the scheduled

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activity, wherein a location of the representation is representative of a begin time of the activity, wherein the graphical representation is programmable, wherein the segment is located along a perimeter of the dial face, wherein the device is capable of providing at least a further graphical representation of a further scheduled activity 15 (Col. 9, lines 65+; Col. 10, lines 1+; Col. 12, lines 10+; FIG. 8-17, 39-40). It would have been obvious to a person skilled in the art at the time of the invention to adapt the graphical representation of the Hepp reference to include multiple segments for representing multiple time periods associated with a scheduled activity and whose location is reflective of that activity's time relative to the time of day. By combining visual images such as task reminders, which appear and disappear corresponding to the time of day or day of week as in the Hepp reference, with actual time segments located about the circumference of a watch, the time and duration of an activity is more clearly defined and represented.

Regarding Claim 12, the modified Hepp teachings inherently possess the methods of enabling the programming and communicating of data that an electronic device displays on a monitor that provides a graphical representation of the data, as well as the corresponding mounting and assembling steps needed to construct the apparatus.

Regarding Claim 13, Hepp teaches a programmable electronic device that comprises software for rendering a dial face of a timepiece on a display monitor, wherein the

resulting display from the software provides a graphical representation of a scheduled activity.

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepp U.S. Patent No. 6,449,219 B1 in view of Narayanaswami U.S. Patent No. 6,477,117 B1. Regarding Claims 9-11, the Hepp teaches an electronic device with a timepiece having a dial face 3 that comprises a display monitor for providing a graphical representation of a scheduled activity relative to a time of day, wherein the device includes a communication component for communicating with another electronic device (Col. 4, lines 55+; Col. 5, lines 1+; FIG. 1). The Hepp combination does not explicitly teach an electronic device wherein the communication used is a short-range communication protocol, or that the other electronic device is an electronic calendar or mobile phone. Narayanaswami teaches an electronic device wherein the communication used is a short-range communication protocol, or that the other electronic device is an electronic calendar or mobile phone (Col. 1, lines 5-10; Col. 4, lines 35+; Col. 7, lines 5+FIG.1, 4). It would have been obvious to a person skilled in the art at the time of the invention to adapt the electronic device of the Hepp reference with a short-range communication feature in order to communicate with an increased number of electronic devices. By including the wireless communication feature of the Narayanaswami reference, the electronic device may be programmed or have data inputted or transmitted from it in a greater capacity to a multitude of receiving locations, wherein those locations may be a mobile phone or an electronic calendar.

Prior Art

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lebby U.S. Patent No. 6,158,884 discloses an integrated communicative watch.
- Morishige U.S. Patent No. 4,421,419 discloses an electronic timepiece that has a time display comprising selectively driven optical display elements.
- Lüth U.S. Patent No. 5,894,457 discloses a watch for soccer referees comprising a dial face divided into distinctively shaded areas designating different times.
- Sugiyama U.S. Patent No. 5,898,645 discloses a software-driven time measuring device comprising virtual particles moving between areas based on current time.
- Streefkerk U.S. Patent No. 6,058,277 discloses a printing system and control method for printing images having a circle segment display element for visualizing print job processing times and managing print jobs.
- Kim U.S. Patent No. 6,388,952 B2 discloses a programmable time switch where a time or time interval is set and displayed by circular segments about a dial.
- Kaneko U.S. Patent No. 6,414,910 B1 discloses a timepiece comprising a display including multiple colors using a monochromatic LCD IC.

R s p o n s t o A r g u m e n t s

1. Applicant's arguments filed April 12, 2002 have been fully considered but they are not persuasive. Regarding Claims 1, 5, and 8, the Applicant has amended the Claims to highlight the graphical representation located on the dial face. As stated in the above rejections, the location of one animated graphical representation as compared to another animated graphical representation is a changeable feature of the display. The Applicant has not defined what is meant by a graphical representation. The Examiner would like to include a definition for "graphical" from Webster's Collegiate Dictionary, Tenth Edition (page 507):

graphical: "...marked by clear lifelike or vividly realistic description...of or relating to the written or printed word or the symbols or devices used in writing or printing to represent sound or convey meaning."

Under the current definition provided by the dictionary, the graphical representations and animated objects of the Hepp reference currently reads on the Applicant invention. For the foregoing reasons, Claims 1, 5, and 8 continues to be anticipated by the combination of the Hepp reference. Accordingly, the Examiner's rejection over the Hepp under 35 U.S.C. 103(a) is upheld.

Regarding Claims 2-4, 6-7, and 9-13, the Applicant fails to specifically point out how the language of these Claims patentably differentiates themselves from the applied art and thus the rejection is repeated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael L. Lindinger whose telephone number is (703) 305-0618. The examiner can normally be reached on Monday-Thursday (7:30-6).

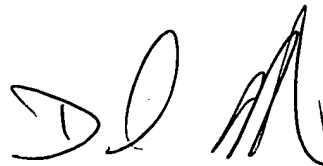
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7318 for regular communications and (703) 746-7318 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Michael L. Lindinger
Patent Examiner
Art Unit 2841

MLL
June 4, 2003

A handwritten signature in black ink, appearing to read 'D. Martin', is written over a rectangular stamp.

DAVID MARTIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800